

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN BROWN, JR.

v.

ALAN SIMONS

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CIVIL ACTION NO. 22-3296

ALAN SIMONS

v.

JOHN BROWN et al.

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CIVIL ACTION NO. 19-5074

ORDER

This 27th day of February, 2024, for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that John Brown's Motion to Enforce the Arbitration Award (ECF 12, 22-3296) and Alan Simons' Motion to Enforce Settlement and for Sanctions (ECF 47, 19-5074) are **GRANTED in part** and **DENIED in part** as follows:

1. Simons is in contempt of this Court's order confirming the "put-call" arbitration award (ECF 38, 19-5074). Simons can purge contempt by repaying \$1,255,947.00 to RDS Vending LLC on or before March 28, 2024. Simons is directed to notify the Court when repayment is complete. If Simons fails to repay this amount by the date ordered, a per diem sanction of \$500.00 will be assessed until he has repaid the total amount owed.
2. Brown is in contempt of this Court's order confirming the arbitration award which found an enforceable settlement that barred continued litigation. (ECF 38, 22-3296). Brown can purge contempt by dismissing his Pennsylvania state court action, Case ID 190303075, on or before March 28, 2024. Brown is directed to notify the Court when the state action is

dismissed. If Brown fails to dismiss the action by the date ordered, a per diem sanction of \$500.00 will be assessed until he has dismissed the action.

3. Brown's claim for breach of contract (ECF 1, 22-3296) is **DISMISSED**. Accordingly, Brown's motion for summary judgment as to this claim (ECF 12, 22-3296) is **DENIED** as moot.
4. The parties are **ENJOINED** from filing further motions or amended pleadings in Civil Docket Numbers 19-5074 and 22-3296 without leave of the Court. Upon notification of Simons' completed repayment and Browns' dismissal of his state court action, the Court will dismiss these actions.
5. The parties are to bear their own costs and fees.

/s/ Gerald Austin McHugh
United States District Judge